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THE GIFT BAN





THE GIFT BAN

As State of Illinois employees, we are paid to serve the public interest. No additional compensation, gifts or favors are needed to ensure that we do our jobs. In fact, accepting a gift may lead others to believe that State employees are not serving the public interest but rather, their own private interest. It may also be a violation of the law.

Example: A construction company sent Ted, a State employee, four baseball tickets. The following month Ted approved a contract amendment that increased the construction company's contract by several thousand dollars.

Did Ted's approval of the amendment serve the public's interest or his own private interest?

The Illinois Ethics Act prohibits various gifts. Specifically, State employees may not accept gifts from prohibited sources. As always, if you have any questions about how the law applies to you, contact your Ethics Officer.



WHAT'S A GIFT?

The Gift Ban defines "gift" more broadly than some might expect. Generally speaking, a gift is anything worth money.

The term "gift" includes not only tangible items (such as cash, food or drink) but also intangibles including discounts, loans, hospitality and entertainment. It also includes payment for giving a speech if your invitation to speak stems from the fact that you are a State employee.

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PROHIBITED SOURCES

Though the definition of “gift” is very broad, the Gift Ban prohibits State employees from receiving gifts from only certain givers, called prohibited sources. Prohibited sources are people or entities that fit one or more of the following categories:

- 1) do or seek to do State business with the recipient or the recipient’s agency;
- 2) conduct activities regulated by the recipient or the recipient’s agency;
- 3) have interests that may be substantially affected by the recipient’s official duties; or
- 4) are registered or required to be registered as lobbyists.

Example: Mary monitors contracts for a State agency, including a contract with an auto dealership. When Mary mentioned that her car needed expensive repairs, the dealer offered to lend Mary a car until payday. Can Mary accept?

No. The auto dealer is a prohibited source since he or she does business with the State. The loan of a car is a gift from that prohibited source.





EXCEPTIONS

Gifts from prohibited sources do not violate the Gift Ban if they fall under one or more of the following exceptions:

- gifts available to the public under the same conditions;
- gifts for which the recipient paid market value;
- lawful campaign contributions or a fundraising event;
- educational materials or missions;
- travel expenses for a meeting to discuss State business;
- gifts received from a relative;
- gifts provided by an individual on the basis of personal friendship;
- food or refreshments not exceeding \$75 per day;
- benefits related to outside business or employment activities;
- intra-governmental and inter-governmental gifts
- bequests, inheritances and other transfers at death
- gifts from one prohibited source with a cumulative value of less than \$100 during any calendar year.

Individual State offices and agencies may have more restrictive policies than those contained in the Gift Ban. You should consult your Ethics Officer if you have any questions.



RETURNING A GIFT

If you receive a prohibited gift that you did not ask for, promptly return it to the giver, or donate an amount equal to the value of the gift to an appropriate 501(c)(3) charity. If you take one of these steps, there is no violation of the Gift Ban. In such an instance, though, make sure you carefully document what happened, and disclose it to your supervisor as soon as reasonably possible.

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APPEARANCES

The purpose of the Gift Ban is not only to ensure that employees act in the public's interest, but also to ensure that employees appear to be acting in the public's interest. Some gifts may seem to fit within an exception, but still give the appearance of having undue influence over the employee or agency.



WHEN IN DOUBT, GET HELP!

If you receive any gift that seems inappropriate, or have any questions about how the Gift Ban applies to you, contact your agency's Ethics Officer.

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TO CONSTITUTE AN OPINION.

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*For more information, see the
Executive Ethics Commission's web site,
www.eec.illinois.gov
or contact your agency's Ethics Officer.*

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